

REMARKS

Claims 1-41 and 49-56 are pending, with claims 1, 7, 10, 23, 34, 39, 49, and 51 being independent. Claims 1-6, 10-23, 26-30, 34-38, and 49-56 are under consideration as being directed to elected Invention I, with claims 1-6, 10-22, 34-38, 49, 50, and 52-56 being readable on elected Species A; claim 51 being generic to elected Species A and non-elected Species B; claims 26-30 of Species B being linking claims that link together the inventions of Species A and B; and claim 23 of Species B being the base claim of linking claims 26-30. Claims 7-9, 24, 25, 31-33, and 39-41 are withdrawn from consideration as being directed to elected invention I but being readable on non-elected Species B. Claims 4-6, 12-14, 17-22, 36-38, and 50 of Species A are linking claims that link together the inventions of Species A and B.

Request for Indication that Reference Cited in Information Disclosure Statement of August 29, 2005, Has Been Considered

A copy of a reference entitled "Office Action issued on October 14, 2004, in Japanese Patent Application JP2002-347977" was submitted with the Information Disclosure Statement of August 29, 2005. This reference is listed on the form PTO-1449 included in this Information Disclosure Statement. The Office Action of June 29, 2006, includes a copy of this form PTO-1449 signed by the Examiner. However, the Examiner did not initial the reference entitled "Office Action issued" on this copy of the form PTO-1449 to indicate that this reference has been considered. Accordingly, it is respectfully requested that the Examiner provide another copy of the form PTO-1449 with this reference initialed to indicate that the reference has been considered.

A Complete Version of Mizuguchi Relied on by the Examiner Is Not of Record

The Examiner has relied on Mizuguchi et al. (Mizuguchi) (JP 10-8239) in all of the rejections set forth in the Office Action of February 21, 2007. The applicants cited Mizuguchi in the Information Disclosure Statement of June 8, 2004, but submitted only an English abstract of Mizuguchi. The Examiner cited an "English only" version of Mizuguchi in the Office Action of February 21, 2007, and provided only a machine English translation of the detailed description (paragraphs [0001]-[0041]) of Mizuguchi obtained from the Japanese Patent Office Web site.

The Examiner did not provide the machine English translations of the claims, the description of the drawings, and the drawings of Mizuguchi that are available from the Japanese Patent Office Web site. Furthermore, a copy of the original Japanese version of Mizuguchi is not of record. Thus, the drawings of Mizuguchi are not of record. Despite this, the Examiner refers to various figures of the drawings of Mizuguchi in explaining the rejections. Accordingly, in order to complete the record, attached hereto is a complete version of Mizuguchi that includes an English abstract of Mizuguchi, the original Japanese version of Mizuguchi (including the drawings), and a complete machine English translation of Mizuguchi (including an English translation of the drawings) obtained from the Japanese Patent Office Web site.

Request for Human English Translation of Mizuguchi

The machine English translation of Mizuguchi provided by the Examiner is virtually incomprehensible in many parts. For example, paragraphs [0016] and [0017] of the machine English translation read as follows:

[0016] As shown in the membrane formation pattern mask 16 at drawing 3 and drawing 4, the 1st masking section 22 and the 2nd masking section 24 are formed in the perimeter of two or more membrane formation holes 20 and 20. In this case, the 1st masking section 22 is formed in one end and lateral stable ranking and hierarchy of the membrane formation holes 20 and 20 of the membrane formation hole 20 between the ends of the longitudinal direction of the membrane formation hole 20 of ***** another side. [of each class] Moreover, the 2nd masking section 24 is formed in one end and vertical list of the die-length direction of the membrane formation holes 20 and 20 of the membrane formation hole 20 between the ends of the die-length direction of the membrane formation hole 20 of ***** another side. [of each class]

[0017] It is constituted as the masking section in which the 1st masking section 22 has the masking function of Maine, and consists of this example as the masking section in which the 2nd masking section 24 has a factice's masking function.

Accordingly, should the Examiner continue to rely on Mizuguchi, it is respectfully requested that the Examiner obtain a human English translation of Mizuguchi from the Translations Branch of the Scientific and Technical Information Center (STIC) of the U.S. Patent

and Trademark Office pursuant to MPEP 901.05(d) (see MPEP page 900-21) and MPEP 901.06(a)(IV)(D) (see MPEP pages 900-24 and 900-25).

Claim Rejections Under 35 USC 102

Claims 1-6 and 49-51 were rejected under 35 USC 102(b) as being anticipated by Mizuguchi et al. (Mizuguchi) (JP 10-8239). This rejection is respectfully traversed.

It is noted that the Examiner has alleged that numerous features of claims 1-6 and 49-51 are disclosed in Mizuguchi without identifying where these features are disclosed in Mizuguchi. The Examiner's explanation of the rejection consists of the exact text of claims 1-6 and 49-51 with references to various items, paragraphs, and figures of Mizuguchi inserted at various points in the claims. For example, in explaining the rejection of independent claim 1, the Examiner states in pertinent part "Regarding claim 1, Mizuguchi discloses an evaporation mask (item 16) formed of a thin film in figures 1-3, wherein the evaporation mask is drawn taut by application of tension (paragraphs 6-13)." However, it is not seen where FIGS. 1-3 of Mizuguchi disclose "a thin film" as recited in claim 1, or where paragraphs [0006]-[0013] of Mizuguchi disclose the feature "wherein the evaporation mask is drawn taut by application of tension" recited in claim 1. Nor has the Examiner explained why she considers these portions of Mizuguchi to disclose these features of claim 1.

The Examiner's attention is directed to the decision of *Ex parte Levy*, 17 USPQ2d 1461 (Bd. Pat. App. & Inter. 1990) at 1462 where the Board states as follows in pertinent part (emphasis added):

The factual determination of anticipation requires the disclosure in a single reference of every element of the claimed combination. (Citations omitted.) Moreover, it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference. (Citation omitted.)

Accordingly, should the Examiner repeat the rejection of any of claims 1-6 and 49-51 under 35 USC 102(b) as being anticipated by Mizuguchi in the next Office Action, it is respectfully requested that the Examiner identify wherein each and every facet of such rejected claims is disclosed in Mizuguchi and explain why she considers the identified

portions of Mizuguchi to disclose such facets if such facets are not disclosed verbatim in the identified portions. It is noted that the Examiner's explanation of the rejection of claims 1-6 and 49-51 under 35 USC 102(b) as being anticipated by Nakagawara et al. (Nakagawara) (JP 2002-060927) set forth in the Office Actions of June 29, 2006, and November 30, 2006, had this same deficiency.

The Examiner considers FIGS. 1-3 of Mizuguchi to disclose that mask 16 in FIGS. 1-3 of Mizuguchi is "formed of a thin film" as recited in claims 1 and 49. However, the Examiner has not explained why she considers FIGS. 1-3 of Mizuguchi to disclose this feature of claims 1 and 49. Furthermore, it is not seen where FIGS. 1-3 of Mizuguchi disclose this feature, particularly since FIGS. 1-3 of Mizuguchi do not show any dimensions, the word "film" does not appear in Mizuguchi, and the word "thin" appears only in paragraph [0003] of Mizuguchi in relation to a different element of Mizuguchi.

The Examiner considers paragraphs [0006]-[0013] of Mizuguchi to disclose the "tension" features of independent claims 1, 49, and 51. However, the Examiner has not explained why she considers paragraphs [0006]-[0013] of Mizuguchi to disclose these "tension" features of claims 1, 49, and 51. Furthermore, it is not seen where paragraphs [0006]-[0013] of Mizuguchi disclose the feature "wherein the evaporation mask is drawn taut by application of tension" recited in claims 1 and 49, or "a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 1, or "at least one first dummy aperture formed adjacent to an outermost at least one main aperture in a direction in which tension is applied to the evaporation mask" as recited in claim 49, or the feature "wherein the dummy aperture prevents the main aperture from being deformed by tension applied to the evaporation mask" recited in claim 51, because nothing whatsoever in paragraphs [0006]-[0013] of Mizuguchi or any other portion of Mizuguchi discloses that tension is applied to the mask 16 in FIGS. 1-3 of Mizuguchi. As described, for example, in paragraphs [0011] and [0026] of Mizuguchi, the purpose of the 1st outlet ports 26 in FIGS. 1-4 of Mizuguchi is to create flexible sections 30 in FIGS. 1-4 of Mizuguchi which prevent Mizuguchi's mask 16 from being deformed by compressive stress produced by thermal expansion. It is not seen where Mizuguchi discloses what is the purpose of the second outlet ports 28 in FIGS. 1-4 of Mizuguchi.

In explaining the rejection of dependent claim 4, the Examiner states that "Mizuguchi discloses . . . a plurality of second dummy apertures (items 26 and 28) formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask." However, in explaining the rejection of claim 1 from which claim 4 indirectly depends, the Examiner states that "Mizuguchi discloses . . . a plurality of first dummy apertures (items 26 and 28) formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask." It is submitted that the 1st outlet ports 26 and the 2nd outlet ports 28 in FIGS. 1-4 of Mizuguchi cannot correspond to both "a plurality of first dummy apertures" as recited in claim 1 and "a plurality of second dummy apertures" as recited in claim 4 as alleged by the Examiner. Since the Examiner considers the 1st outlet ports 26 and the 2nd outlet ports 28 in FIGS. 1-4 of Mizuguchi to correspond to "a plurality of first dummy apertures" as recited in claim 1, it is submitted that there are no other openings in FIGS. 1-4 of Mizuguchi that can be considered to correspond to "a plurality of second dummy apertures" as recited in claim 4. Accordingly, it is submitted that Mizuguchi does not disclose "a plurality of second dummy apertures formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in claim 4.

Furthermore, claim 1 recites "at least one mask unit, comprising: a plurality of main apertures, and a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures," while claim 4 indirectly depending from claim 1 recites "at least two mask units" and "a plurality of second dummy apertures formed outside and adjacent to the outermost mask units." Thus, the plurality of first dummy apertures recited in claim 1 are part of at least one mask unit and are formed adjacent to outermost ones of main apertures that are also part of the at least one mask unit, while the second dummy apertures recited in claim 4 are formed outside and adjacent to the outermost mask units. It is submitted that the 1st outlet ports 26 and the 2nd outlet ports 28 in FIGS. 1-4 of Mizuguchi do not provide all of the features of both the "plurality of first dummy apertures" recited in claim 1 and the "plurality of second dummy apertures" recited in claim 4. Nor has the Examiner explained why she considers the 1st outlet ports 26 and the 2nd outlet ports 28 in FIGS. 1-4 of Mizuguchi to provide all of these features.

It is submitted that Mizuguchi does not disclose "at least one second dummy aperture formed outside and adjacent to the outermost at least one mask unit in the direction in which tension is applied to the evaporation mask" as recited in dependent claim 50 for at least the same reasons discussed above that Mizuguchi does not disclose the similar feature of claim 4.

Should the Examiner continue to rely on Mizuguchi in the next Office Action, it is respectfully requested that the Examiner provide a marked-up copy of FIG. 3 of Mizuguchi showing the elements of Mizuguchi that allegedly correspond to the "plurality of first apertures" recited in claim 1, the "plurality of second apertures" recited in claim 4, the "at least one first dummy aperture" recited in claim 49, and the "dummy aperture" recited in claim 51.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-6 and 49-51 (i.e., claims 1, 4, and 49-51 discussed above and claims 2, 3, 5, and 6 variously depending directly or indirectly from claims 1 and 4) under 35 USC 102(b) as being anticipated by Mizuguchi be withdrawn.

Claim Rejections Under 35 USC 103

Rejection 1

Claims 10-23, 26-30, 34-38, 53, and 54 were rejected under 35 USC 103(a) as being unpatentable over Yamada et al. (Yamada) (U.S. Patent Application Publication No. 2001/00198707) in view of Mizuguchi in further view of Kim et al. (Kim) (U.S. Patent Application Publication No. 2003/0111957). This rejection is respectfully traversed.

As recognized by the Examiner, Yamada does not disclose that deposition mask 100 in FIGS. 6A-6B of Yamada which is used for deposition by evaporation is "drawn taut by application of tension" as recited in independent claim 10. Furthermore, as recognized by the Examiner, Yamada's deposition mask 100 does not have "at least one mask unit, the mask unit comprising . . . a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 10.

However, the Examiner considers mask 16 in FIG. 1 of Mizuguchi to be "drawn taut by application of tension" as recited in claim 10 and to have "at least one mask unit, the mask unit comprising . . . a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 10, and is of the opinion that it would have been obvious "to modify Yamada's invention to include the evaporation mask [of Mizuguchi]. . . as suggested by Mizuguchi . . . for obtaining a proper electrode pattern" based on paragraphs [0006]-[0013] of Mizuguchi.

However, it is submitted that Mizuguchi's mask 16 is not "drawn taut by application of tension" as recited in claim 10 as alleged by the Examiner and does not have "at least one mask unit, the mask unit comprising . . . a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 10 as alleged by the Examiner for at least the same reasons discussed above that Mizuguchi does not disclose the similar features of claims 1, 49, and 51.

Furthermore, it is not seen where Yamada discloses or suggests that Yamada's deposition mask 100 suffers from the thermal expansion problems described in paragraphs [0011] and [0026] of Mizuguchi that Mizuguchi's mask 16 is designed to solve. Accordingly, absent the applicants' disclosure, it is submitted that nothing whatsoever in Yamada, Kim, and Mizuguchi or elsewhere in the prior art would have motivated one of ordinary skill in the art to modify Yamada's invention to include Mizuguchi's mask 16 as proposed by the Examiner.

Accordingly, it is submitted that Yamada, Mizuguchi, and Kim do not disclose or suggest "disposing an evaporation mask to form an organic film over the substrate, the evaporation mask drawn taut by application of tension and having at least one mask unit, the mask unit comprising a plurality of main apertures and a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 10.

It is submitted that Yamada, Mizuguchi, and Kim do not disclose or suggest "disposing an evaporation mask to form second electrodes over the organic film, the evaporation mask drawn taut by application of tension and comprising a plurality of main apertures and a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in independent claim 34 for at least the same reasons discussed above that Yamada, Mizuguchi, and Kim do not disclose or suggest the similar features of claim 10.

It is submitted that Yamada, Mizuguchi, and Kim do not disclose or suggest "a plurality of second dummy apertures outside and adjacent to outermost ones of the mask units in the direction in which tension is applied to the evaporation mask" as recited in dependent claims 12 and 36, or "a plurality of second dummy apertures outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in dependent claim 17, or "a plurality of second dummy apertures outside and adjacent to

outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in dependent claim 20 for at least the same reasons discussed above that Mizuguchi does not disclose the same or similar feature of claim 4.

It is submitted that Yamada, Mizuguchi, and Kim do not disclose or suggest "[an] evaporation mask drawn taut by application of tension and including at least two mask units each comprising a plurality of main apertures and a plurality of second dummy apertures formed outside and adjacent to outermost ones of the mask units in a direction in which tension is applied to the evaporation mask" as recited in independent claim 23 for at least the same reasons discussed above that Mizuguchi does not disclose the same or similar features of claims 1 and 4.

It is submitted that Yamada, Mizuguchi, and Kim do not disclose or suggest "[an] evaporation mask drawn taut by application of tension and including at least two mask units, the mask units each comprising a plurality of main apertures and a plurality of first dummy apertures formed adjacent to the outermost main apertures in the direction in which tension is applied to the evaporation mask" as recited in dependent claim 26 for at least the same reasons discussed above that Mizuguchi does not disclose the same or similar features of claims 1 and 4.

It is submitted that Yamada, Mizuguchi, and Kim do not disclose or suggest the feature "wherein the evaporation mask comprises a plurality of second dummy apertures outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" recited in dependent claim 28 for at least the same reasons discussed above that Mizuguchi does not disclose the similar feature of claim 4.

It is submitted that Yamada, Mizuguchi, and Kim do not disclose or suggest the feature "wherein a length of each of the first dummy apertures is equal to a length of each of the main apertures" recited in dependent claims 53 and 54 because, as shown in FIGS. 1-4 of Mizuguchi, the length of the 1st outlet ports 26 and the 2nd outlet ports 28 is less than the length of the holes 20, which the Examiner considers to correspond to the "main apertures" recited in claims 53 and 54.

In explaining the rejection of claims 53 and 54 in the Office Action of February 21, 2007, the Examiner states as follows:

Regarding claim 53/54, the combined reference of Yamada, Mizuguchi, and Kim disclose the method of claim 10/34,

but do not expressly disclose that a length of each of the first dummy apertures is equal to a length of each of the main apertures, as claimed by Applicant. It would have been obvious to one with ordinary skill in the art to have the length of each of the first dummy apertures is equal to a length of each of the main apertures, since such a modification would have involved a mere change in the size of the apertures. A change in size is generally recognized as being within the level of ordinary skill in the art.

However, the Examiner has not cited any statute, rule, procedure, or decision in support of her position that "[a] change in size is generally recognized as being within the level of ordinary skill in the art," and accordingly it is submitted that the Examiner has not established a *prima facie* case of obviousness under 35 USC 103(a) with respect to claims 53 and 54.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 10-23, 26-30, 34-38, 53, and 54 (i.e., claims 10, 12, 17, 20, 23, 26, 28, 34, 36, 53, and 54 discussed above and claims 11, 13-16, 18, 19, 21, 22, 27, 29, 30, 35, 37, and 38 variously depending directly or indirectly from claims 10, 12, 17, 20, 23, 26, 28, 34, and 36) under 35 USC 103(a) as being unpatentable over Yamada in view of Mizuguchi in further view of Kim be withdrawn.

Rejection 2

Claims 52, 55, and 56 were rejected under 35 USC 103(a) as being unpatentable over Mizuguchi. This rejection is respectfully traversed.

It is submitted that Mizuguchi does not disclose or suggest the feature "wherein a length of each of the first dummy apertures is equal to a length of each of the main apertures" recited in dependent claim 52, or the feature "wherein a length of each of the at least one first dummy aperture is equal to a length of each of the at least one main aperture" recited in dependent claim 55, or the feature "wherein a length of the dummy aperture is equal to a length of the main aperture" recited in dependent claim 56, for at least the same reasons discussed above that Yamada, Mizuguchi, and Kim do not disclose or suggest the same or similar feature of claims 53 and 54.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 52, 55, and 56 under 35 USC 103(a) as being unpatentable over Mizuguchi be withdrawn.

Rejoinder of the Invention of Non-Elected Species B

Since claim 51 which is generic to elected Species A and non-elected Species B is allowable for the reasons discussed above; since claims 4-6, 12-14, 17-22, 36-38, and 50 of Species A which are linking claims that link together the inventions of Species A and B are allowable for the reasons discussed above; since claims 26-30 of Species B which are linking claims that link together the inventions of Species A and B are allowable for the reasons discussed above; and since claim 23 of Species B is allowable for the reasons discussed above, it is submitted that the applicants are entitled to rejoinder of the invention of non-elected Species B pursuant to 37 CFR 1.141(a) and MPEP 821.04(a). Accordingly, it is respectfully requested that the requirement for an election of species be withdrawn, and that claims 7-9, 24, 25, 31-33, and 39-41, which are currently withdrawn from consideration as being readable on non-elected Species B, be examined on the merits.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date:

05/21/07

By:



Randall S. Svihla
Registration No. 56,273

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

Attachment